

NJ Dept Of Labor Unemployment Division

August 23, 2005

Case No: 05-20980-kcf ✓

Vs.

Honorable Kathryn Ferguson

Robert Bodtmann  
Cynthia Bodtmann

Robert and Cynthia Bodtmann are respectfully requesting a hearing with your Honor.

1. Robert and Cynthia Bodtmann filed for relief originally in October of 2003. After an enormous amount of personal problems, and a series of stressful landlord-tenant proceedings the defendants were not eligible for a discharge and were denied. On or around summer 2004 due to litigating factors brought forth by said landlord.
2. During said proceedings the NJ dept of labor filed an adversary hearing that had not been given the opportunity to be heard due to the litigating circumstances, and ultimately the original claim from the division was reinstated.
3. The defendants have recently re-filed for relief and were successfully discharged in July 2005. There were no adversary proceedings brought forth until after the defendants were granted a discharge.
4. The NJ dept of labor has filed an adversary complaint claiming overpayment due to fraud.
5. The defendants plan to file an appeal to the appeals tribunal and the NJ dept of labor based on the nature of the allegations and the overpayment.
6. The defendant Robert Bodtmann was violently attacked in 2004 by his landlord and has struggled to maintain employment due to his injuries. In April of 2005 the defendant Robert Bodtmann filed for Unemployment benefits and to date the NJ dept of labor has denied the defendant his benefits.
7. During bankruptcy proceedings in 2003-2004 the defendant was allowed to collect unemployment and disability during unemployment while the proceedings were waiting to be tried and because the defendant could not physically work. Dept of labor is refusing the same during these current said proceedings.
8. The defendants were protected by the automatic stay and granted a discharge from your Honor. No adversary proceedings were filed against the defendants during the time they were seeking relief. The defendant Robert Bodtmann should be entitled to the benefits because of his discharge and or during these recent adversary hearings.
9. The defendant Robert Bodtmann should be allowed to collect these benefits until your Honor deems he is not entitled.

The defendants are respectfully requesting oral argument with your Honor. They are seeking protection of the automatic stay and are asking that the benefits owed to the defendant Robert Bodtmann be released to him.



We filed for bankruptcy to receive relief from an enormous amount of debt. We were granted relief in July of 2005.

Your Honor, we filed for bankruptcy because we could not afford to pay our bills. We were suffering from a serious amount of emotional damage stemming from an incident with our landlord. We were already in debt to begin with due to life choices. When the incident with the landlord occurred it just brought us to the bottom of the pit. We became submerged under water. We could not breathe with all that was going on.

Robert sustained permanent injury from the attack. He was hospitalized several times and has undergone physical therapy. This attack has damaged our livelihood.

Our marriage has suffered terribly and most importantly our children have been emotionally hurt throughout all of these hardships.

By the grace of GOD we have managed to reconcile our marriage and seek assistance from different people to reclaim our life.

We are now doing better than we have in a long time and are eager to maintain it. We are paying our bills and are trying to rebuild our credit.

In February of 2005 Robert Bodtmann obtained gainful employment and was fired for being honest with his employer if you can believe that. This termination caused some additional hardship on our family.

This is why Robert filed for Unemployment. The claim was filed on April 1, 2005 it is now August and no checks have been released to him.

The dept of labor should not be allowed to take the benefits in question until Your Honor determines a decision. Robert Bodtmann is asking that the court allow him to collect his benefits until such time all the facts are heard in your Honor's court.

Bankruptcy is there for people such as us who desperately need relief from their debt. If discharge is granted then the NJ dept of labor should not be given the right to deny individuals their benefits.

The dept of labor did not take action until after we were granted a discharge. How should they be allowed to keep these benefits? We have tried to talk and reason with the dept but to date we have been unsuccessful.

You're Honor we are asking that these benefits please be released. We need them.

Form B18 (Official Form 18)(9/97)

**United States Bankruptcy Court**  
**District Of District of New Jersey**  
402 East State Street  
Trenton, NJ 08608

In re:

Robert J Bodtmann )

PO Box 162 )

Avon, NJ 07717 )

xxx-xx-4738 )

Cynthia M Bodtmann )

PO Box 162 )

Avon, NJ 07717 )

xxx-xx-4663 )

Debtor(s): )

) Case Number: 05-20980-KCF

)

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)

)

) Chapter: 7  
)  
)  
)

Employer's Tax I.D. No.: )

Debtor: )

Joint: )

**DISCHARGE OF DEBTOR**

It appearing that the debtor is entitled to a discharge, **IT IS ORDERED** : The debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

Dated: July 22, 2005

**BY THE COURT**

Honorable Kathryn C. Ferguson  
United States Bankruptcy Judge

**SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.**

Form DIS

August 23, 2005

To whom this may concern:

My name is Robert J. Bodtmann and I give my wife Cynthia Bodtmann permission to speak and advocate on my behalf.

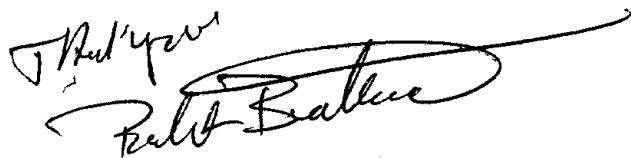
I have recently started a new job and cannot take any time from this job for these proceedings. My wife is fully aware of these situations and I have complete faith in her to be my representative.

Thank you for your consideration.

Sworn to and subscribed before me  
this 20th day of August 2005

 Michele A. Mortimer

MICHELE A. MORTIMER  
Notary Public of New Jersey  
Commission Expires 06-28-2006

 Robert J. Bodtmann  
Robert J. Bodtmann

United States Bankruptcy Court  
District of New Jersey  
CLARKSON S. FISHER FEDERAL BUILDING  
UNITED STATES COURTHOUSE  
402 EAST STATE STREET  
TRENTON, NEW JERSEY 08608

KATHRYN C. FERGUSON, USBJ

(609) 989-0494

September 8, 2005

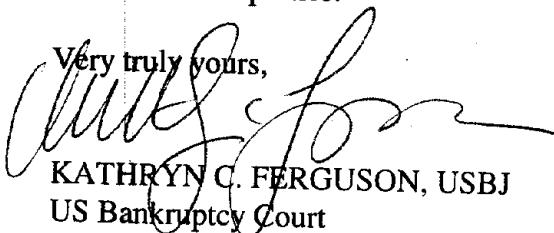
Mr. and Mrs. Robert Bodtmann  
PO Box 162  
Avon, New Jersey 07717

Re: Robert and Cynthia Bodtmann  
Case No. 05-20980

Dear Mr. and Mrs. Bodtmann:

This is in response to your letter of August 23, 2005. Please be advised that I am considering your letter and the attachments as a Motion to Enforce Discharge Injunction or the Automatic Stay. The motion will be scheduled for October 11, 2005 at 10:00 a.m. Any objections to this motion must be filed 7 days prior to the hearing. Appearances are required.

Please regular mail a copy of this letter and a copy of your August 23, 2005 letter, with the attachments (I have enclosed a copy of those papers for your convenience) to the State of New Jersey Department of Labor, to the Attorney General, Peter Harvey, to the Deputy Attorney General, James M. Bennett and to the Chapter 7 Trustee, Thomas J. Orr, Esquire. You must file a proof of service with the Court indicating that you have served all interested parties.

Very truly yours,  
  
KATHRYN C. FERGUSON, USBJ  
US Bankruptcy Court

KCF:dmm  
Enclosures